

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NSIGHT, INC.,

Plaintiff,

vs.

PEOPLESOFT, INC.,

Defendant.

No. C 04-3836 MMC (MEJ)

**ORDER GRANTING DEFENDANT'S  
MOTION RE: CASE DEADLINES**

Before the Court is Defendant's motion, filed October 4, 2006, titled "Motion of Oracle USA, Inc. Regarding Case Deadlines; Expert Discovery; and Plaintiff's Refusal to Permit Disclosure Information Relevant to Its Damage Claim." (Doc. #185.) On October 11, 2006, the Honorable Maxine M. Chesney granted Defendant's request to modify the Amended Scheduling Order, filed August 9, 2006, to extend the deadline for completion of expert discovery from October 6, 2006 to October 13, 2006, for the purpose of deposing Plaintiff's expert, Anu Maitra. Judge Chesney referred the remaining two issues in Defendant's motion to the undersigned. (Doc. #190.)

Having considered the papers filed in support of and in opposition to the motion, the Court hereby rules as follows:

- 1) Defendant's request regarding its rebuttal expert on damages is hereby GRANTED. Defendant may offer the rebuttal expert opinion of Mark Stepka, for the purpose of rebutting Dr. Maitra's damage opinion, and the parties shall agree on a mutually convenient date for Mr. Stepka's deposition.

2) Defendant's request regarding CSC "Letter of Interest" discovery is hereby GRANTED. Unless Plaintiff authorizes Paul Tucker to make disclosures regarding CSC's discussions with nSight within four days from the date of this Order, Defendant may subpoena Mr. Tucker for a deposition. The deposition shall take place on or before November 10, 2006. Whether Plaintiff authorizes Mr. Tucker to make disclosures or Defendant deposes him, Mr. Tucker may make the disclosures without fear of being accused of breaching the Nondisclosure Agreement between Plaintiff and CSC.

**IT IS SO ORDERED.**

Dated: October 17, 2006

  
\_\_\_\_\_  
MARIA-ELENA JAMES  
United States Magistrate Judge